

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HANS MOKE NIEMANN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:22-cv-01110-AGF
	)	
SVEN MAGNUS ØEN CARLSEN A/K/A	)	
MAGNUS CARLSEN, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT CHRISTOPHER HIKARU NAKAMURA’S  
MOTION TO POSTPONE RULE 16 CONFERENCE**

COMES NOW Defendant Christopher Hikaru Nakamura, by and through his undersigned counsel, and requests that the Court enter an Order postponing the Rule 16 conference. In support of his Motion, Mr. Nakamura respectfully states as follows:

1. On April 24, 2023, the Court issued an Order setting a Rule 16 conference on May 25, 2023, at 3:00 p.m. (Dkt. 132.)
2. The undersigned is lead counsel for Mr. Nakamura.
3. The undersigned is scheduled to be in trial on May 25, 2023, in St. Charles County, Missouri, Circuit Court, in the matter *Michael Tiemann v. City of St. Charles, Missouri*, Case No. 2111-CC00152-01. The trial in the *Tiemann* matter was scheduled on January 5, 2023 by the Hon. Daniel G. Pelikan.
4. Accordingly, the undersigned is unable to participate in the Rule 16 conference in this case on May 25, 2023, and, as lead counsel for Mr. Nakamura, respectfully requests that the Rule 16 conference be postponed.
5. Undersigned counsel advised Plaintiff’s counsel of the request to postpone the Rule 16 conference. Plaintiff’s counsel does not object to a postponement from May 25, 2023, for the

reasons stated above. The other Defendants' counsel also do not object to a postponement from May 25, 2023.

6. Regarding the scheduling of a new date for the Rule 16 conference, undersigned counsel and counsel for the other Defendants had an initial meet and confer on April 28, 2023, with Plaintiff's counsel regarding Defendants' anticipated request for the Court to consider staying the Rule 16 conference entirely until the pending subject matter jurisdiction issues (*see* Dkt. 114), personal jurisdiction challenges (*see* Dkts. 86-90, 108, 111, 113, 126), and other motions to dismiss are resolved (*see* Dkts. 81-85, 108, 110, 112), so that the pleadings would be fully framed, all jurisdictional issues resolved, and the appropriate scope of discovery, if any, be determined.<sup>1</sup> *See, e.g., KDCO, Inc. v. HeathLink, Inc.*, No. 1:16-CV-00212 AGF, Dkt. 90; *Allied Prop. & Cas. Ins. Co. v. Grich*, No. 4:16-CV-00933 AGF, 2016 WL 4944113, at \*3 (E.D. Mo. Sept. 16, 2016).

7. As of this filing, Defendants' counsel have *not* reached an agreement with Plaintiff's counsel on the subject of a stay or any other potential compromise in light of the foregoing, though it is anticipated that there will be further discussions on this subject in an effort to propose to the Court a resolution of these issues.

8. In the event that the parties are unable to reach an agreement in the coming days, Defendants intend to file a motion to stay the Rule 16 conference and discovery pending the determination of the foregoing issues raised in the pending motions identified in paragraph 6 above.

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<sup>1</sup> Regarding the current state of the pleadings, the Court granted Plaintiff leave to conduct limited discovery on the members of Chess.com for purposes of ascertaining whether diversity jurisdiction exists, and to seek leave to file a fourth iteration of the complaint, if appropriate, to allege facts establishing diversity jurisdiction by June 20, 2023. (Dkt. 114.)

WHEREFORE, Defendant Christopher Hikaru Nakamura respectfully requests that the Court postpone the Rule 16 conference for the reasons set forth herein, and grant such other relief as the Court deems just and proper.

Respectfully submitted,

**LEWIS RICE LLC**

Dated: May 1, 2023

By: /s/ Neal F. Perryman  
Neal F. Perryman, #43057 (MO)  
Michael L. Jente, #62980 (MO)  
Benjamin M. Farley, #69073 (MO)  
600 Washington Avenue, Suite 2500  
St. Louis, Missouri 63101  
Telephone: (314) 444-7661  
Facsimile: (314) 612-7661  
nperryman@lewisrice.com  
mjente@lewisrice.com  
bfarley@lewisrice.com

Michael J. Ryan, FL State Bar #975990\*  
*\*Admitted PHV*

Freedland Harwin Valori Ryan  
110 SE Sixth Street, Suite 2300  
Fort Lauderdale, Florida 33301  
Telephone: (954) 467-6400  
Facsimile: (954) 670-2530  
mryan@fhvlegal.com

*Attorneys for Defendant  
Christopher Hikaru Nakamura*